

REMARKS

Entry of this amendment with allowance or appeal is requested.

It is proposed to amend claim 1 taking into account the Examiner's comments as attached to the Advisory Action. Thus, reference to sterilization as a qualification of irradiation has been deleted. This is thought to be consistent with the Examiner's position (1). Point (2) is mooted by deletion of the reference to "sterilizing" in claim 1.


The applicants submit, for reasons of record, that their claims as proposed for amendment, define a composition which is not disclosed or suggested by Sakai et al. In particular, there is nothing in Sakai et al. suggestive of an irradiated composition comprising enzyme and one or more sources of ions to maintain activity of the enzyme as called for in claim 1, as amended.

The applicants submit that the amendments to claim 1 do not raise new issues. It is also noted that the Examiner's final rejection of September 3, 2008 rejected applicants' claims on the basis of new art. The applicants requested, in their response of February 3, 2009, that the finality of the action be withdrawn as the citation of new art was not necessitated by the applicants' claim amendments (primarily addition of the features of claim 10 to claim 1). The applicants again request withdrawal of the finality of the action of September 3, 2008 or, at least, in fairness to the applicants, entry and consideration of the present amendment.

Favorable action is requested.

Respectfully submitted,

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